



STATE OF WASHINGTON
Capital Projects Advisory Review Board

October 19, 2022

Michael F. Tolley
Interim Superintendent
Office of the Superintendent
Northshore School District
3330 Monte Villa Parkway
Bothell, Washington 985021-8972

Re: Notice of Appeal of the PRC's Denial of the Northshore School District's
Application for GC/CM Certification

Dear Superintendent Tolley:

On behalf of the Capital Projects Advisory Review Board (CPARB), I am writing to confirm CPARB's receipt of your Notice of Appeal regarding the final determination issued by the Project Review Committee (PRC) on September 23, 2022, denying Northshore School District's application for GC/CM certification. Your appeal was timely submitted to CPARB on September 30, 2022, in accordance with RCW 39.10.290 and Article VII, Section 3(a) of CPARB's Bylaws. As the CPARB Chair, I have been delegated authority under CPARB Bylaws Article VII, Section 3(e) to establish briefing schedules and make procedural rulings and orders in this appeal subject to confirmation by the Board. I want to assure you that the Board takes your concerns very seriously.

Article VII, Section 3 of the CPARB Bylaws provides that, upon its receipt of an appeal from a PRC final determination, the CPARB Chair, in coordination with staff, will schedule a special meeting of the Board to hear and consider the appeal. Parties to the appeal will receive at least ten (10) days written notice of the hearing. The Board will afford each party an opportunity to present written argument and may afford each party an opportunity to present oral argument at the hearing. In conducting an appeal, the Board will limit its review to facts and arguments presented to the PRC and will consider the whole record or such portions of it as may be cited by the parties. Under RCW 39.10.290 and Article VII, Section 3(g) of the CPARB Bylaws, the Board must resolve an appeal within forty-five (45) days of receipt of the appeal. The resolution date of this appeal is **November 14, 2022**.

The PRC's final determination denying Northshore School District's application for GC/CM concluded that the School District's application did not meet the criteria for certification established in RCW 39.10.270. Your Notice of Appeal, however, states clearly that you are not seeking to have CPARB reverse the PRC's decision or order further consideration of its application, and the School District is no longer seeking GC/CM certification at this time. Instead, the Notice of Appeal requests that CPARB take appropriate corrective action to address concerns regarding the PRC review process that you outlined in the Notice of Appeal.

Because the Notice of Appeal explicitly states that you are not asking CPARB to review your application, it does not appear to me that your appeal is challenging the PRC's final determination or requesting a special Board meeting to review the facts or arguments presented to the PRC. In the interest of clarity and timely resolution of this matter, please advise me in writing by Monday, October 24, 2022, whether you are requesting CPARB to formally consider the issues you've raised in your Notice of Appeal at a public hearing pursuant to Article VII, Section 3 of CPARB's Bylaws. If so, I will issue a briefing schedule in this matter and direct CPARB's Administrative Staff to schedule a special Board meeting to conduct the hearing before November 14, 2022. If you do not request a hearing, I will order the appeal dismissed, and CPARB will address the concerns you raised in your Notice of Appeal with deliberate speed under ordinary Board business.

Although CPARB has not deliberated or taken any action on the merits of your appeal, PRC leadership is in the process of exploring making revisions to its Bylaws to address appropriate member conduct as well as providing training and guidance to the PRC as a whole.

Please direct communication in this matter to Administrative Staff for CPARB, Talia Baker at CPARB@des.wa.gov or (360) 790-8322.

Sincerely,



Janice Zahn
Chair

cc: CPARB Members
Dierk Meierbachtol, ATG
Nancy Deakins, Department of Enterprise Services
CPARB Archives